

## CHAPTER 11

# Noncombatant Persons

### 11.1 INTRODUCTION

As discussed in Chapter 5, the law of armed conflict is premised largely on the distinction to be made between combatants and noncombatants. Noncombatants are those individuals who do not form a part of the armed forces and who otherwise refrain from the commission of hostile acts. Noncombatants also include those members of the armed forces who enjoy special protected status, such as medical personnel and chaplains, or who have been rendered incapable of combat by wounds, sickness, shipwreck, or capture. This chapter reviews the categories of noncombatants and outlines the general rules of the law of armed conflict designed to protect them from direct attack.

### 11.2 PROTECTED STATUS

The law of armed conflict prohibits making noncombatant persons the object of intentional attack and requires that they be safeguarded against injury not incidental to military operations directed against military objectives. When circumstances permit, advance warning should be given of attacks that might endanger noncombatants in the vicinity. Such warnings are not required, however, if mission accomplishment requires the element of surprise or the security of the attacking forces would be otherwise compromised. On the other hand, a party to an armed conflict has an affirmative duty to remove civilians under its control as well as the wounded, sick, shipwrecked, and prisoners of war from the vicinity of targets of likely enemy attack. Deliberate use of noncombatants to shield military objectives from enemy attack is prohibited. Although the principle of proportionality underlying the concept of collateral damage and incidental injury continues to apply in such cases, the presence of noncombatants within or adjacent to a legitimate target does not preclude attack of it.

### 11.3 THE CIVILIAN POPULATION

The civilian population as such, as well as individual civilians, may not be the object of attack or of

threats or acts of intentional terrorization. The civilian population consists of all persons not serving in the armed forces, militia, or paramilitary forces and not otherwise taking a direct part in the hostilities. Women and children are entitled to special respect and protection. Unlike military personnel (other than those in a specially protected status such as medical personnel and the sick and wounded) who are always subject to attack whether on duty or in a leave capacity, civilians, as a class, are not to be the object of attack. However, civilians that are engaged in direct support of the enemy's war-fighting or war-sustaining effort are at risk of incidental injury from attack on such activities.

Civilians who take a direct part in hostilities by taking up arms or otherwise trying to kill, injure, or capture enemy personnel or destroy enemy property lose their immunity and may be attacked. Direct participation may also include civilians serving as guards, intelligence agents, or lookouts on behalf of military forces. Direct participation in hostilities must be judged on a case-by-case basis. Combatants in the field must make an honest determination as to whether a particular civilian is or is not subject to deliberate attack based on the person's behavior, location and attire, and other information available at the time.

### 11.4 THE WOUNDED, SICK, AND SHIP-WRECKED

Members of the armed forces incapable of participating in combat due to injury or illness may not be the object of attack. Moreover, parties to the conflict must, after each engagement and without delay, take all possible measures to search for and collect the wounded and sick on the field of battle, protect them from harm, and ensure their care. When circumstances permit, an armistice or cease-fire should be arranged to enable the wounded and sick to be located and removed to safety and medical care. Wounded and sick personnel falling into enemy hands must be treated humanely and cared for without adverse distinction along with the enemy's own casualties. Priority in order of treatment may only be justified by urgent

medical considerations. The physical or mental well-being of enemy wounded and sick personnel may not be unjustifiably endangered, nor may they be subjected to any medical procedure not called for by their condition or inconsistent with accepted medical standards.

Similarly, shipwrecked persons, whether military or civilian, may not be the object of attack. Shipwrecked persons include those in peril at sea or in other waters as a result of either the sinking, grounding, or other damage to a vessel in which they are embarked, or of the downing or distress of an aircraft. It is immaterial whether the peril was the result of enemy action or nonmilitary causes. Following each naval engagement at sea, the belligerents are obligated to take all possible measures, consistent with the security of their forces, to search for and rescue the shipwrecked.

Shipwrecked persons do not include combatant personnel engaged in amphibious, underwater, or airborne attacks who are proceeding ashore, unless they are clearly in distress and require assistance. In the latter case they may qualify as shipwrecked persons only if they cease all active combat activity and the enemy has an opportunity to recognize their condition of distress. Shipwrecked combatants falling into enemy hands become prisoners of war.

## **11.5 MEDICAL PERSONNEL AND CHAPLAINS**

Medical personnel, including medical and dental officers, technicians and corpsmen, nurses, and medical service personnel, have special protected status when engaged exclusively in medical duties and may not be attacked. Possession of small arms for self-protection, for the protection of the wounded and sick, and for protection from marauders and others violating the law of armed conflict does not disqualify medical personnel from protected status. Medical personnel may not use such arms against enemy forces acting in conformity with the law of armed conflict. Chaplains attached to the armed forces are entitled to respect and protection. Medical personnel and chaplains should display the distinctive emblem of the red cross or red crescent when engaged in their respective medical and religious activities. Failure to wear the distinctive emblem does not, by itself, justify attacking a medical person or chaplain, recognized as such. Medical personnel and chaplains falling into enemy hands do not become prisoners of war. Unless their retention by the enemy is required to provide for the medical or religious needs of prisoners of war, medical personnel and chaplains must be repatriated at the earliest opportunity.

## **11.6 PARACHUTISTS**

Parachutists descending from disabled aircraft may not be attacked while in the air unless they engage in combatant acts while descending. Upon reaching the ground, such parachutists must be provided an opportunity to surrender. Airborne troops, special warfare infiltrators, and intelligence agents parachuting into combat areas or behind enemy lines are not so protected and may be attacked in the air as well as on the ground. Such personnel may not be attacked, however, if they clearly indicate in a timely manner their intention to surrender.

## **11.7 PRISONERS OF WAR**

Combatants cease to be subject to attack when they have individually laid down their arms to surrender, when they are no longer capable of resistance, or when the unit in which they are serving or embarked has surrendered or been captured. However, the law of armed conflict does not precisely define when surrender takes effect or how it may be accomplished in practical terms. Surrender involves an offer by the surrendering party (a unit or individual combatant) and an ability to accept on the part of the opponent. The latter may not refuse an offer of surrender when communicated, but that communication must be made at a time when it can be received and properly acted upon—an attempt to surrender in the midst of a hard-fought battle is neither easily communicated nor received. The issue is one of reasonableness.

Combatants that have surrendered or otherwise fallen into enemy hands are entitled to prisoner-of-war status and, as such, must be treated humanely and protected against violence, intimidation, insult, and public curiosity. When prisoners of war are given medical treatment, no distinction among them will be based on any grounds other than medical ones. (See paragraph 11.4 for further discussion of the medical treatment to be accorded captured enemy wounded and sick personnel.) Prisoners of war may be interrogated upon capture but are required to disclose only their name, rank, date of birth, and military serial number. Torture, threats, or other coercive acts are prohibited.

Persons entitled to prisoner-of-war status upon capture include members of the regular armed forces, the militia and volunteer units fighting with the regular armed forces, and civilians accompanying the armed forces. Militia, volunteers, guerrillas, and other partisans not fighting in association with the regular armed forces qualify for prisoner-of-war status upon capture, provided they are commanded by a person responsible for their conduct, are uniformed or bear a fixed

distinctive sign recognizable at a distance, carry their arms openly, and conduct their operations in accordance with the law of armed conflict.

Should a question arise regarding a captive's entitlement to prisoner-of-war status, that individual should be accorded prisoner-of-war treatment until a competent tribunal convened by the captor determines the status to which that individual is properly entitled. Individuals captured as spies or as illegal combatants have the right to assert their claim of entitlement to prisoner-of-war status before a judicial tribunal and to have the question adjudicated. Such persons have a right to be fairly tried for violations of the law of armed conflict and may not be summarily executed.

**11.7.1 Trial and Punishment.** Prisoners of war may not be punished for hostile acts directed against opposing forces prior to capture, unless those acts constituted violations of the law of armed conflict. Prisoners of war prosecuted for war crimes committed prior to or after capture are entitled to be tried by the same courts as try the captor's own forces and are to be accorded the same procedural rights. At a minimum, these rights must include the assistance of lawyer counsel, an interpreter, and a fellow prisoner.

Although prisoners of war may be subjected to disciplinary action for minor offenses committed during captivity, punishment may not exceed 30 days confinement. Prisoners of war may not be subjected to collective punishment nor may reprisal action be taken against them.

**11.7.2 Labor.** Enlisted prisoners of war may be required to engage in labor having no military character or purpose. Noncommissioned officers may be required to perform only supervisory work. Officers may not be required to work.

**11.7.3 Escape.** Prisoners of war may not be punished for acts committed in attempting to escape, unless they cause death or injury to someone in the process. Disciplinary punishment may, however, be imposed upon them for the escape attempt. Prisoners of war who make good their escape by rejoining friendly forces or leaving enemy controlled territory, may not be subjected to such disciplinary punishment if recaptured. However, they remain subject to punishment for causing death or injury in the course of their previous escape.

**11.7.4 Temporary Detention of Prisoners of War, Civilian Internees, and Other Detained Persons Aboard Naval Vessels.** International treaty law expressly prohibits "internment" of prisoners of war other than in premises on land, but does not

address temporary stay on board vessels. U.S. policy permits detention of prisoners of war, civilian internees, and detained persons on naval vessels as follows:

1. When picked up at sea, they may be temporarily held on board as operational needs dictate, pending a reasonable opportunity to transfer them to a shore facility or to another vessel for evacuation to a shore facility.
2. They may be temporarily held on board naval vessels while being transported between land facilities.
3. They may be temporarily held on board naval vessels if such detention would appreciably improve their safety or health prospects.

Detention on board vessels must be truly temporary, limited to the minimum period necessary to evacuate such persons from the combat zone or to avoid significant harm such persons would face if detained on land. Use of immobilized vessels for temporary detention of prisoners of war, civilian internees, or detained persons is not authorized without NCA approval.

## 11.8 INTERNED PERSONS

Enemy civilians falling under the control of a belligerent may be interned if security considerations make it absolutely necessary to do so. Civilians sentenced for offenses committed in occupied territory may also be ordered into internment in lieu of punishment. Enemy civilians may not be interned as hostages. Interned persons may not be removed from the occupied territory in which they reside except as their own security or imperative military considerations may require. All interned persons must be treated humanely and may not be subjected to reprisal action or collective punishment.

## 11.9 PROTECTIVE SIGNS AND SYMBOLS

**11.9.1 The Red Cross and Red Crescent.** A red cross on a white field (Figure 11-1a) is the internationally accepted symbol of protected medical and religious persons and activities. Moslem countries utilize a red crescent on a white field for the same purpose (Figure 11-1b). A red lion and sun on a white field, once employed by Iran, is no longer used. Israel employs a red six-pointed star, which it reserved the right to use when it ratified the 1949 Geneva Conventions (Figure 11-1c). The United States has not agreed that it is a protected symbol. Nevertheless, all medical and religious persons or objects recognized as being so marked are to be treated with care and protection.

**11.9.2 Other Protective Symbols.** Other protective symbols specially recognized by international law include an oblique red band on a white background to designate hospital zones and safe havens for noncombatants (Figure 11-1d). Prisoner-of-war camps are marked by the letters "PW" or "PG" (Figure 11-1e); civilian internment camps with the letters "IC" (Figure 11-1f). A royal-blue diamond and royal-blue triangle on a white shield is used to designate cultural buildings, museums, historic monuments, and other cultural objects that are exempt from attack (Figure 11-1g). In the Western Hemisphere, a red circle with triple red spheres in the circle, on a white background (the "Roerich Pact" symbol) is used for that purpose (Figure 11-1h).

Two protective symbols established by the 1977 Protocol I Additional to the Geneva Conventions of 1949, to which the United States is not a party, are described as follows for informational purposes only. Works and installations containing forces potentially dangerous to the civilian population, such as dams, dikes, and nuclear power plants, may be marked by three bright orange circles of equal size on the same axis (Figure 11-1i). Civil defense facilities and personnel may be identified by an equilateral blue triangle on an orange background (Figure 11-1j).

**11.9.3 The 1907 Hague Symbol.** A protective symbol of special interest to naval officers is the sign established by the 1907 Hague Convention Concerning Bombardment by Naval Forces in Time of War (Hague IX). The 1907 Hague symbol is used to mark sacred edifices, hospitals, historic monuments, cultural buildings, and other structures protected from naval bombardment. The symbol consists of a rectangular panel divided diagonally into two triangles, the upper black, the lower white (Figure 11-1k).

**11.9.4 The 1954 Hague Convention Symbol.** A more recent protective symbol was established by the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. Cultural sites that are of artistic, historical, or archaeological interest, whether religious or secular, may be marked with the symbol to facilitate recognition. The symbol may be used alone or repeated three times in a triangular formation. It takes the form of a shield, pointed below, consisting of a royal-blue square, one of the angles of which forms the point of the shield, and of a royal-blue triangle above the square, the space on either side being taken up by a white triangle (Figure 11-1g).

**11.9.5 The White Flag.** Customary international law recognizes the white flag as symbolizing a request to

cease-fire, negotiate, or surrender. Enemy forces displaying a white flag should be permitted an opportunity to surrender or to communicate a request for cease-fire or negotiation.

**11.9.6 Permitted Use.** Protective signs and symbols may be used only to identify personnel, objects, and activities entitled to the protected status which they designate. Any other use is forbidden by international law.

**11.9.7 Failure to Display.** When objects or persons are readily recognizable as being entitled to protected status, the lack of protective signs and symbols does not render an otherwise protected object or person a legitimate target. Failure to utilize internationally agreed protective signs and symbols may, however, subject protected persons and objects to the risk of not being recognized by the enemy as having protected status.

## 11.10 PROTECTIVE SIGNALS

Three optional methods of identifying medical units and transports have been created internationally. United States hospital ships and medical aircraft do not use these signals.

**11.10.1 Radio Signals.** For the purpose of identifying medical transports by radio telephone, the words PAN PAN are repeated three times followed by the word "medical" pronounced as in the French MAY-DEE-CAL. Medical transports are identified in radio telegraph by three repetitions of the group XXX followed by the single group YYY.

**11.10.2 Visual Signals.** On aircraft, the flashing blue light may be used only on medical aircraft. Hospital ships, coastal rescue craft and medical vehicles may also use the flashing blue light. Only by special agreement between the parties to the conflict may its use be reserved exclusively to those forms of surface medical transport.

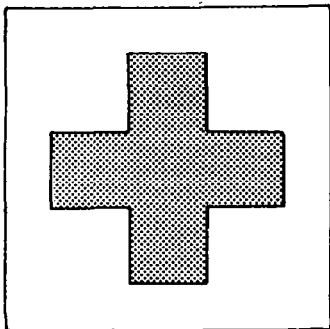
**11.10.3 Electronic Identification.** The identification and location of medical ships and craft may be effected by means of appropriate standard maritime radar transponders as established by special agreement to the parties to the conflict. The identification and location of medical aircraft may be effected by use of the secondary surveillance radar (SSR) specified in Annex 10 to the Chicago Convention. The SSR mode and code is to be reserved for the exclusive use of the medical aircraft.

### **11.11 IDENTIFICATION OF NEUTRAL PLATFORMS**

Ships and aircraft of nations not party to an armed conflict may adopt special signals for self-identifica-

tion, location and establishing communications. Use of these signals does not confer or imply recognition of any special rights or duties of neutrals or belligerents, except as may otherwise be agreed between them.

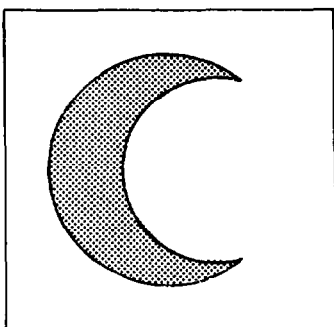
a.



**The Red Cross**

Symbol of medical and religious activities.

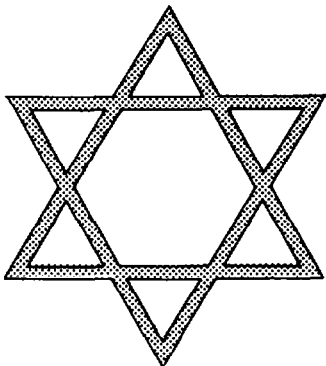
b.



**The Red Crescent**

Symbol of medical and religious activities.

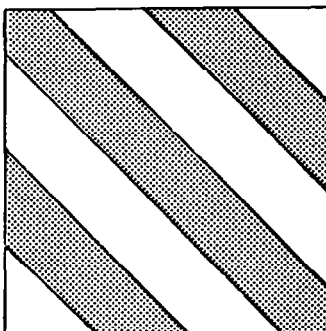
c.



**The Red Star of David**

Israeli emblem for medical and religious activities. Israel reserved the right to use the Red Star of David when it ratified the 1949 Conventions.

d.



**Marking for Hospital and Safety Zones for Civilians and Sick and Wounded (Three Red Stripes)**

(Noncombatants)

Figure 11-1. Protective Signs and Symbols (Sheet 1 of 3)

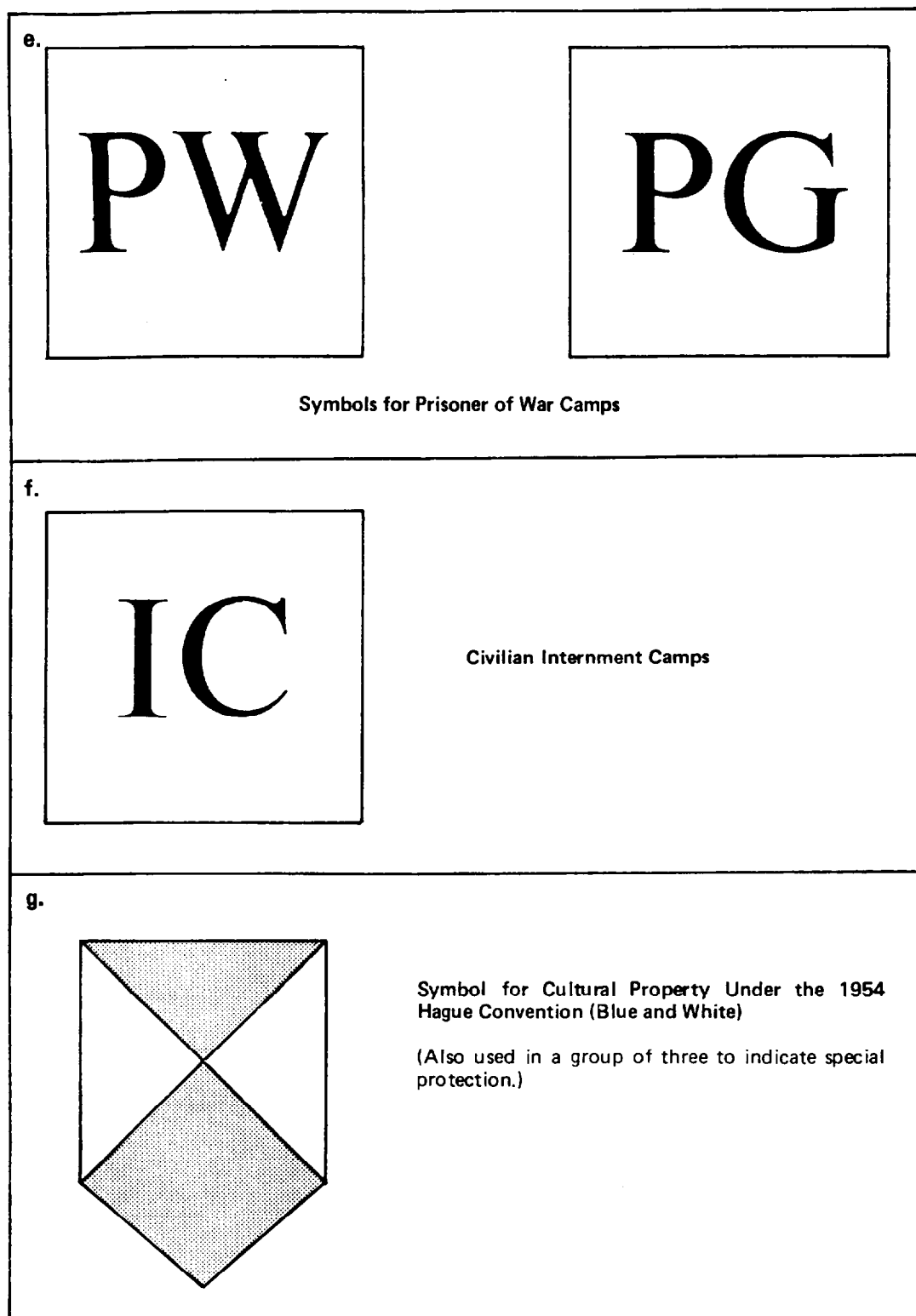
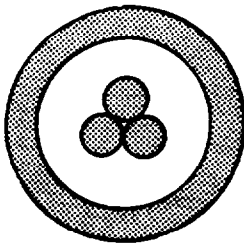


Figure 11-1. Protective Signs and Symbols (Sheet 2 of 3)

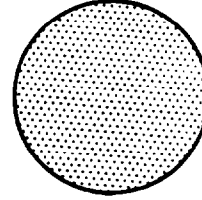
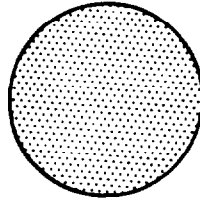
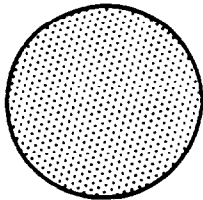
h.



**Roerich Pact (Red and White)**

Symbol used for historical, artistic, education, and cultural institutions, among Western Hemisphere nations.

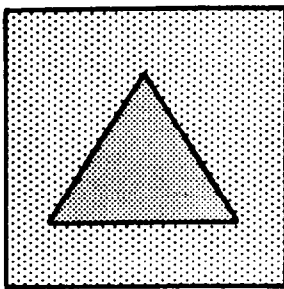
i.



**Special Symbol for Works and Installations Containing Dangerous Forces  
(Three Orange Circles)**

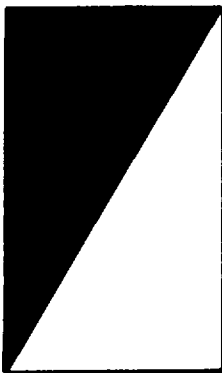
(Dams, dikes, and nuclear power stations)

j.



**Symbol designating Civil Defense Activities  
(Blue triangle in an orange square)**

k.



**The 1907 Hague Sign**

Naval bombardment symbol designating cultural, medical, and religious facilities.

Figure 11-1. Protective Signs and Symbols (Sheet 3 of 3)



## CHAPTER 12

# Deception During Armed Conflict

### 12.1 GENERAL

The law of armed conflict permits deceiving the enemy through stratagems and ruses of war intended to mislead him, to deter him from taking action, or to induce him to act recklessly, provided the ruses do not violate rules of international law applicable to armed conflict.

**12.1.1 Permitted Deceptions.** Stratagems and ruses of war permitted in armed conflict include such deceptions as camouflage, deceptive lighting, dummy ships and other armament, decoys, simulated forces, feigned attacks and withdrawals, ambushes, false intelligence information, electronic deceptions, and utilization of enemy codes, passwords, and countersigns.

**12.1.2 Prohibited Deceptions.** The use of unlawful deceptions is called "perfidy." Acts of perfidy are deceptions designed to invite the confidence of the enemy to lead him to believe that he is entitled to, or is obliged to accord, protected status under the law of armed conflict, with the intent to betray that confidence. Feigning surrender in order to lure the enemy into a trap is an act of perfidy.

### 12.2 MISUSE OF PROTECTIVE SIGNS, SIGNALS, AND SYMBOLS

Misuse of protective signs, signals, and symbols (see paragraphs 11.9 and 11.10) in order to injure, kill, or capture the enemy constitutes an act of perfidy. Such acts are prohibited because they undermine the effectiveness of protective signs, signals, and symbols and thereby jeopardize the safety of noncombatants and the immunity of protected structures and activities. For example, using an ambulance or medical aircraft marked with the red cross or red crescent to carry armed combatants, weapons, or ammunition with which to attack or elude enemy forces is prohibited. Similarly, use of the white flag to gain a military advantage over the enemy is unlawful.

### 12.3 NEUTRAL FLAGS, INSIGNIA, AND UNIFORMS

**12.3.1 At Sea.** Under the customary international law of naval warfare, it is permissible for a belligerent warship to fly false colors and disguise its outward appearance in other ways in order to deceive the enemy into believing the vessel is of neutral nationality or is other than a warship. However, it is unlawful for a warship to go into action without first showing her true colors. Use of neutral flags, insignia, or uniforms during an actual armed engagement at sea is, therefore, forbidden.

**12.3.2 In the Air.** Use in combat of false or deceptive markings to disguise belligerent military aircraft as being of neutral nationality is prohibited.

**12.3.3 On Land.** The law of armed conflict applicable to land warfare has no rule of law analogous to that which permits belligerent warships to display neutral colors. Belligerents engaged in armed conflict on land are not permitted to use the flags, insignia, or uniforms of a neutral nation to deceive the enemy.

### 12.4 THE UNITED NATIONS FLAG AND EMBLEM

The flag of the United Nations and the letters "UN" may not be used in armed conflict for any purpose without the authorization of the United Nations.

### 12.5 ENEMY FLAGS, INSIGNIA, AND UNIFORMS

**12.5.1 At Sea.** Naval surface and subsurface forces may fly enemy colors and display enemy markings to deceive the enemy. Warships must, however, display their true colors prior to an actual armed engagement.

**12.5.2 In the Air.** The use in combat of enemy markings by belligerent military aircraft is forbidden.

**12.5.3 On Land.** The law of land warfare does not prohibit the use by belligerent land forces of enemy flags, insignia, or uniforms to deceive the enemy either before or following an armed engagement. Combatants risk severe punishment, however, if they are captured while displaying enemy colors or insignia or wearing enemy uniforms in combat.

Similarly, combatants caught behind enemy lines wearing the uniform of their adversaries are not entitled to prisoner-of-war status or protection and, historically, have been subjected to severe punishment. It is permissible, however, for downed aircrews and escaping prisoners of war to use enemy uniforms to evade capture, so long as they do not attack enemy forces, collect military intelligence, or engage in similar military operations while so attired. As a general rule, enemy markings should be removed from captured enemy equipment before it is used in combat.

## **12.6 FEIGNING DISTRESS**

It is unlawful to feign distress through the false use of internationally recognized distress signals such as SOS and MAYDAY. In air warfare, however, it is permissible to feign disablement or other distress as a means to induce the enemy to break off an attack. Consequently, there is no obligation in air warfare to cease attacking a belligerent military aircraft that appears to be disabled. However, if one knows the enemy aircraft is disabled so as to permanently remove it from the conflict (e.g., major fire or structural damage) there is an obligation to cease attacking to permit possible evacuation by crew or passengers.

## **12.7 FALSE CLAIMS OF NONCOMBATANT STATUS**

It is a violation of the law of armed conflict to kill, injure, or capture the enemy by false indication of an intent to surrender or by feigning shipwreck, sickness, wounds, or civilian status (but see paragraph 12.3.1). A surprise attack by a person feigning shipwreck, sickness, or wounds undermines the protected status of those rendered incapable of combat. Similarly, at-

tacking enemy forces while posing as a civilian puts all civilians at hazard. Such acts of perfidy are punishable as war crimes.

**12.7.1 Illegal Combatants.** It is prohibited to kill, injure or capture an adversary by feigning civilian, non-combatant status. If determined by a competent tribunal of the captor nation to be illegal combatants, such persons may be denied prisoner-of-war status and be tried and punished. It is the policy of the United States, however, to accord illegal combatants prisoner-of-war protection if they were carrying arms openly at the time of capture.

## **12.8 SPIES**

A spy is someone who, while in territory under enemy control or the zone of operations of a belligerent force, seeks to obtain information while operating under a false claim of noncombatant or friendly forces status with the intention of passing that information to an opposing belligerent. Members of the armed forces who penetrate enemy-held territory in civilian attire or enemy uniform to collect intelligence are spies. Conversely, personnel conducting reconnaissance missions behind enemy lines while properly uniformed are not spies.

Crewmembers of warships and military aircraft engaged in intelligence collection missions in enemy waters or airspace are not spies unless the ship or aircraft displays false civilian, neutral, or enemy marking.

**12.8.1 Legal Status.** Spying during armed conflict is not a violation of international law. Captured spies are not, however, entitled to prisoner-of-war status. The captor nation may try and punish spies in accordance with its national law. Should a spy succeed in eluding capture and return to friendly territory, liability to punishment terminates. If subsequently captured during some other military operation, the former spy cannot be tried or punished for the earlier act of espionage.

# INDEX

	Page No.		Page No.
<b>A</b>		<b>Territory under:</b>	
Acquiring enemy character . . . . .	7-6	Exclusive U.S. jurisdiction . . . . .	3-2
Agreement on prevention of incidents on and over high seas . . . . .	2-10	Foreign jurisdiction . . . . .	3-2
Aid to domestic civil law enforcement offi- cials . . . . .	3-10	Auxiliaries . . . . .	2-1
Air:		<b>B</b>	
Defense identification zones . . . . .	2-9	Baselines:	
Navigation . . . . .	2-7	Low-water line . . . . .	1-2
Archipelagic sea lanes . . . . .	2-7	Maritime . . . . .	1-2
International straits . . . . .	2-8	Straight . . . . .	1-2
Warfare at sea . . . . .	8-5	Deeply indented coastline . . . . .	1-2
Aircert . . . . .	7-6	Fringing islands . . . . .	1-2
Aircraft:		Low-tide elevations . . . . .	1-2
Capture of neutral . . . . .	7-9	Unstable coastline . . . . .	1-2
Enemy . . . . .	8-2	Bays . . . . .	1-2
Interception of intruding . . . . .	4-4	Historic . . . . .	1-3
Interdiction . . . . .	8-4	Belligerent control:	
Military . . . . .	2-2	In immediate area of naval operations . . . . .	7-9
Navigational safety rules . . . . .	2-9	Of neutral communications at sea . . . . .	7-9
Sunken . . . . .	2-1	Belligerent nation defined . . . . .	7-1
Airspace . . . . .	1-8	Belligerent personnel interned by neutral government . . . . .	7-10
International . . . . .	2-8	Biological weapons . . . . .	10-4
Legal divisions . . . . .	1-8	Treaty obligations . . . . .	10-4
National . . . . .	2-7	U.S. policy regarding . . . . .	10-4
Neutral . . . . .	7-4	Blockade . . . . .	7-7
Antarctic region, navigation and overflight . . . . .	2-7	Breach and attempted breach of . . . . .	7-8
Antarctic Treaty of 1959 . . . . .	2-7, 10-1	Contemporary practice . . . . .	7-8
Anticipatory self-defense . . . . .	4-3	Special entry and exit authorization . . . . .	7-8
Approach and visit . . . . .	3-3	Traditional rules . . . . .	7-8
Archipelagic waters . . . . .	1-6	Effectiveness . . . . .	7-8
Innocent passage . . . . .	2-4	Establishment . . . . .	7-8
Navigation and overflight . . . . .	2-8	Impartiality . . . . .	7-8
Neutral . . . . .	7-4	Limitations . . . . .	7-8
Sea lanes . . . . .	1-6, 2-4	Notification . . . . .	7-8
Sea lanes passage . . . . .	2-4	Bombardment, naval and air . . . . .	8-5
Arctic region, navigation and overflight . . . . .	2-7	Agreed demilitarized zones . . . . .	8-7
Armed conflict:		Civilian habitation . . . . .	8-6
Deception during . . . . .	12-1	Dams and dikes . . . . .	8-6
Law of, general principles . . . . .	5-1	General rules . . . . .	8-5
Mining during . . . . .	9-2	Hospital zones, special . . . . .	8-6
Assistance:		Medical facilities . . . . .	8-6
Distress . . . . .	3-1	Neutralized zones . . . . .	8-6
Entry . . . . .	2-3	1907 Hague symbol . . . . .	11-4
Astronauts, rescue and return . . . . .	2-12	1954 Hague symbol . . . . .	11-4
Asylum:		Religious, cultural, and charitable buildings and monuments . . . . .	8-6
International waters . . . . .	3-2	Terrorization . . . . .	8-6
Surrender of refugee seeking . . . . .	3-3		

	<i>Page No.</i>
Undefended cities . . . . .	8-6
Warning before bombardment . . . . .	8-6
Booby traps . . . . .	9-3
Broadcasting, suppression of unauthorized . . . . .	3-5

## C

Cables and pipelines . . . . .	1-7
Capture	
Enemy merchant vessels/civilian aircraft . . . . .	8-2
Exempted enemy vessels/aircraft . . . . .	8-3
Neutral vessels and aircraft . . . . .	7-9
Captured personnel of neutral vessels and aircraft . . . . .	7-10
Cartel vessels and aircraft . . . . .	8-3
Certificate, noncontraband carriage . . . . .	7-6
Chaplains, <i>protected status</i> . . . . .	11-2
Character, acquiring enemy . . . . .	7-6
Charter of the United Nations . . . . .	4-1, 5-1, 7-1
Chemical weapons . . . . .	10-2
Herbicidal agents . . . . .	10-4
Riot control agents . . . . .	10-3
Treaty obligations . . . . .	10-3
1925 Geneva Gas Protocol . . . . .	10-3
1993 Chemical Weapons Convention . . . . .	10-3
U.S. policy regarding chemical weapons . . . . .	10-4
Civil law enforcement officials, aid to domestic . . . . .	3-10
Civilian:	
Habitation, destruction of . . . . .	8-6
Objects, targeting . . . . .	8-1
Persons, <i>protected status</i> . . . . .	11-1
Population, <i>protected status</i> . . . . .	11-1
Cluster weapons . . . . .	9-3
Coastal nation claims, recognition of . . . . .	1-1
Collateral damage . . . . .	8-1
Combatants . . . . .	5-1
Illegal . . . . .	12-2
Command responsibility, law of armed conflict and . . . . .	6-2
Commerce, neutral . . . . .	7-5
Communications, belligerent control of, at sea . . . . .	7-9
Contiguous zones . . . . .	1-6
Navigation and overflight of . . . . .	2-6
Continental shelf . . . . .	1-7
Contraband . . . . .	7-5
Enemy destination . . . . .	7-5
Exemptions to . . . . .	7-5
Convention on International Civil Aviation (Chicago Convention) . . . . .	2-8, 4-4

Conventional weapons/weapons systems . . . . .	9-1
Indiscriminate effect . . . . .	9-1
Unnecessary suffering . . . . .	9-1
Convoy . . . . .	7-7, 8-3
Cultural objects . . . . .	11-4
Customary law . . . . .	5-2

## D

Dams and dikes . . . . .	8-6
Deception during armed conflict . . . . .	12-1
Perfidy . . . . .	12-1
Ruses . . . . .	12-1
Defense zones, navigation and overflight . . . . .	2-7
Delayed action devices . . . . .	9-3
Demilitarized zones . . . . .	8-7
Destruction:	
Civilian habitation . . . . .	8-6
Enemy merchant vessels and aircraft exempt from . . . . .	8-3
Neutral prizes . . . . .	7-10
Diplomatic measures of redress . . . . .	4-2
Directed energy devices . . . . .	9-3
Distinction, principle of . . . . .	5-1, 8-1, 11-1
Distress:	
Assistance . . . . .	3-1
Entry in . . . . .	2-2
Feigning . . . . .	12-2
Divisions, oceans and airspace . . . . .	1-1
Drug interdiction operations . . . . .	3-11
DOD mission . . . . .	3-11
U.S. Coast Guard responsibilities . . . . .	3-11
Use of U.S. Navy ships in . . . . .	3-11

## E

Economic measures of redress . . . . .	4-2
Electronic protective identification . . . . .	11-4
Embargo . . . . .	4-2
Emblem, United Nations . . . . .	12-1
Enemy:	
Aircraft . . . . .	8-1
Character, acquiring . . . . .	7-6
Enemy merchant ship or aircraft . . . . .	7-6
Enemy warship or military aircraft . . . . .	7-6
Civilian aircraft . . . . .	8-2
Destination . . . . .	7-5
Flags, insignia, and uniforms . . . . .	12-1
Warships . . . . .	8-2

	<i>Page No.</i>		<i>Page No.</i>
Enemy merchant vessels . . . . .	8-2	Hot pursuit . . . . .	3-8
Capture . . . . .	8-2	Hydrographic surveys . . . . .	2-6
Destruction . . . . .	8-3		
Enemy vessels and aircraft exempt from air- craft interdiction . . . . .	8-5	<b>I</b>	
Capture/destruction . . . . .	8-3	Illegal combatants . . . . .	12-2
Submarine interdiction . . . . .	8-5	Incidental injury . . . . .	8-1
Enforcement, law of armed conflict . . . . .	6-2	Incendiary weapons . . . . .	9-3
Engagement, rules of . . . . .	Preface, 3-12, 4-3, 5-3	Incidents at Sea Agreement (INCSEA) . . . . .	2-10
Escape . . . . .	11-3	Indiscriminate effect . . . . .	9-1
Espionage . . . . .	12-2	Individual responsibility, law of armed conflict and . . . . .	6-2
Exclusion zones . . . . .	7-9	Innocent passage: Archipelagic seas . . . . .	2-4
Exclusive economic zones . . . . .	1-6	Assistance entry . . . . .	2-3
Navigation and overflight of . . . . .	2-6	International straits . . . . .	2-3
Exempt vessels and aircraft . . . . .	8-3	Permitted restrictions . . . . .	2-3
Expulsion of those seeking asylum . . . . .	3-3	Temporary suspension . . . . .	2-3
		Territorial seas . . . . .	2-2
<b>F</b>		Warships . . . . .	2-3
Failure to display protective signs and symbols . . . . .	11-4	Insignia . . . . .	12-1
False claims of noncombatant status . . . . .	12-2	Intelligence collection . . . . .	2-2, 11-1, 12-2
Fishing vessels, coastal . . . . .	8-4	Interception of intruding aircraft . . . . .	4-4
Flags: Enemy . . . . .	12-1	Interdiction of enemy merchant shipping by submarines . . . . .	8-4
Neutral . . . . .	12-1	Internal waters . . . . .	1-4
United Nations . . . . .	12-1	Navigation and overflight of . . . . .	2-2
Flight Information Regions . . . . .	2-8	Neutral waters . . . . .	7-3
Force majeure . . . . .	2-2, 3-2, 7-2	International: Agreements . . . . .	Preface, 5-2
Foreign flag vessels and persons, protection of . . . . .	3-6	Airspace . . . . .	2-8
Fragmentation weapons . . . . .	9-3	Narcotics traffic, suppression . . . . .	3-5
Freedoms, exercise and assertion of navigation and overflight . . . . .	2-9	Rules of navigational safety . . . . .	2-9
		Straits, navigation and overflight of . . . . .	2-3
<b>G</b>		Waters . . . . .	1-6
Gas Protocol of 1925 . . . . .	10-2	International Committee of the Red Cross . . . . .	6-2
Guerrillas . . . . .	11-2	International Court of Justice . . . . .	4-2
Gulfs . . . . .	1-2	International law . . . . .	Preface
		International agreements . . . . .	Preface
<b>H</b>		Practice of nations . . . . .	Preface
Hague symbol of 1907 . . . . .	11-4	U.S. Navy Regulations . . . . .	Preface
Hague symbol of 1954 . . . . .	11-4	War crimes under . . . . .	6-3
Harbor works . . . . .	1-3	International status: Auxiliaries . . . . .	2-1
Herbicidal agents . . . . .	10-4	Military aircraft . . . . .	2-2
High seas . . . . .	1-6	Military contract aircraft . . . . .	2-2
Navigation and overflight of . . . . .	2-6	Warships . . . . .	2-1
Warning areas . . . . .	2-6	International straits . . . . .	2-3
Historic bays . . . . .	1-3	Air navigation . . . . .	2-8
Hospital ships . . . . .	8-3	Not completely overlapped by territorial seas . . . . .	2-4
Hospital zones . . . . .	8-6	Overlapped by territorial seas . . . . .	2-3

	<i>Page No.</i>
Interned persons . . . . .	7-10, 11-3
Internment by neutral government, belligerent personnel . . . . .	7-10
Intervention . . . . .	4-3
Islands, generally . . . . .	1-5
Artificial . . . . .	1-5

## J

Judge advocates, role in the law of armed conflict . . . . .	6-1
Judicial measures of redress . . . . .	4-2
Jurisdiction, territorial . . . . .	3-2

## L

Labor, prisoner of war . . . . .	11-3
Land mines . . . . .	9-3
Lands, neutral . . . . .	7-2
Lasers . . . . .	9-3
Law:	
And war . . . . .	5-1
Neutrality . . . . .	7-1
Law enforcement ( <i>See</i> Maritime law enforce- ment)	
Law of armed conflict:	
Adherence . . . . .	6-1
Applicability . . . . .	Preface
Command responsibility . . . . .	6-2
Department of the Navy policy . . . . .	6-1
Enforcement . . . . .	6-2
General principles . . . . .	5-1
Individual responsibility . . . . .	6-2
Sources . . . . .	5-2
Lawful targeting, principles of . . . . .	8-1
Lethal and incapacitating agents . . . . .	10-2
London Protocol of 1936 . . . . .	8-4
Low-tide elevations . . . . .	1-2
Low-water line . . . . .	1-2

## M

Marine scientific research . . . . .	2-6
Maritime baselines . . . . .	1-2
Maritime law enforcement . . . . .	3-7
Consensual boarding . . . . .	3-10
Constructive presence . . . . .	3-8
Hot pursuit . . . . .	3-8
Jurisdiction to enforce . . . . .	3-7
Foreign vessels . . . . .	3-8
Stateless vessels . . . . .	3-9
U.S. vessels . . . . .	3-7

	<i>Page No.</i>
Jurisdiction to proscribe . . . . .	3-7
Nationality principle . . . . .	3-7
Passive personality principle . . . . .	3-7
Protective principle . . . . .	3-7
Territorial principle . . . . .	3-7
Universal principle . . . . .	3-7
Limitations on exercise of . . . . .	3-10
Posse comitatus . . . . .	3-10
Use of DOD equipment and facilities . . . . .	3-11
Use of DOD personnel . . . . .	3-10
Medical aircraft . . . . .	8-3
Medical facilities . . . . .	8-3
Medical personnel, protected status . . . . .	11-2
Merchant vessels, enemy . . . . .	8-2
Military aircraft:	
Contract aircraft . . . . .	2-2
Defined . . . . .	2-2
Status . . . . .	2-2
Military measures . . . . .	4-2
Military objectives, targeting . . . . .	8-1
Military surveys . . . . .	2-6
Militia . . . . .	11-1
Mining	
Current technology . . . . .	9-2
During armed conflict . . . . .	9-2
Peacetime . . . . .	9-2
Misuse of protective signs, signals, and symbols . . . . .	12-1

## N

Narcotics traffic, suppression of international . . . . .	3-5
National:	
Airspace . . . . .	1-8, 2-7
Waters . . . . .	1-4, 2-2
National Command Authorities . . . . .	6-3
Naval:	
Forces used to repress piracy . . . . .	3-4
Mines . . . . .	9-1
Presence . . . . .	4-3
Navicert . . . . .	7-6
Navigation:	
Air . . . . .	2-7
Archipelagic sea lanes . . . . .	2-8
International straits . . . . .	2-8
International waters . . . . .	2-6
National airspace . . . . .	2-7
National waters . . . . .	2-2
Rights/freedoms, exercise and assertion of . . . . .	2-9
Navigational rules . . . . .	2-6



	<i>Page No.</i>
Protection, U.S. flag vessels, citizens, and property in foreign internal waters, ar- chipelagic waters, and territorial seas . . .	3-6
In foreign contiguous zones and exclusive economic zones . . . . .	3-6
Protective signals for medical units and transports . . . . .	11-4
Electronic . . . . .	11-4
Misuse of . . . . .	12-1
Radio . . . . .	11-4
Visual . . . . .	11-4
Protective signs and symbols . . . . .	11-1
Misuse . . . . .	12-1
Protective symbols, other . . . . .	11-3
Pursuit, hot . . . . .	3-8

## Q

Quarantine . . . . .	3-2
Quarter . . . . .	6-3

## R

Radio signals, protective . . . . .	11-4
Reciprocity . . . . .	6-3
Recognition, coastal nation claims . . . . .	1-1
Reconnaissance . . . . .	12-2
Recovery, U.S. government property lost at sea . . . . .	3-5
Red crescent . . . . .	11-3
Red cross . . . . .	11-3
Red Cross, International Committee of . . . . .	6-2
Reefs . . . . .	1-3
Refuge, temporary . . . . .	3-3
Regimes of oceans and airspace areas . . . . .	1-1
Regions, polar . . . . .	2-7
Religious, cultural, charitable buildings and monuments . . . . .	8-6
Repression of piracy, use of naval forces in . . . . .	3-4
Reprisal . . . . .	6-2
Authority to order . . . . .	6-3
Immunity from . . . . .	6-3
Requirements . . . . .	6-3
Requests for asylum/refuge, inviting . . . . .	3-3
Rescue . . . . .	3-1
Duty of masters . . . . .	3-2
Duty of naval commanders . . . . .	3-2
Responsibility regarding war crimes:	
Command . . . . .	6-2
Individual . . . . .	6-2
Rights:	
Self-defense . . . . .	4-3

Riot control agents, use of . . . . .	10-3
In armed conflict . . . . .	10-3
In peacetime . . . . .	10-3
River mouths . . . . .	1-3
Rivers . . . . .	1-3
Roadsteads . . . . .	1-6
Neutral . . . . .	7-2
Rules, navigational safety . . . . .	2-9
Rules of engagement . . . . .	Preface
JCS Standing ROE . . . . .	3-12, 4-3, 5-3
Ruses . . . . .	12-1

## S

Safe harbor . . . . .	3-1
Safety zones . . . . .	1-7
Seabed Arms Control Treaty . . . . .	10-1
Search:	
And rescue . . . . .	11-2
Visit and . . . . .	7-6
Seas, high . . . . .	1-6
Navigation and overflight of . . . . .	2-6
Seas, territorial . . . . .	1-5
Navigation and overflight of . . . . .	2-2
Security zones . . . . .	1-6
Navigation and overflight of . . . . .	2-7
Self-defense:	
Anticipatory . . . . .	4-3
Right of . . . . .	4-3
Shelves, continental . . . . .	1-7
Shipwrecked, protected status . . . . .	11-1
Sick, protected status . . . . .	11-1
Signals:	
Identification by . . . . .	11-4
Protective . . . . .	11-4
Signs and symbols, protective . . . . .	11-3
Slave transport, prohibition . . . . .	3-5
Sources:	
International law . . . . .	Preface
Law of armed conflict . . . . .	5-2
Sovereign immunity . . . . .	2-1
Space law . . . . .	2-11
General principles . . . . .	2-11
International agreements . . . . .	2-11
Natural celestial bodies . . . . .	2-11
Related international agreements . . . . .	2-11
Rescue and return of astronauts . . . . .	2-12
Return of space objects . . . . .	2-12
Space, outer . . . . .	1-8
Defined . . . . .	2-10
Spies . . . . .	11-1, 12-2
Straight baselines . . . . .	1-2



	<i>Page No.</i>
Straits:	
International, navigation/overflight of . . . . .	2-3
Neutral . . . . .	7-4
Stratagems . . . . .	12-1
Submarine:	
Interdiction, enemy merchant shipping . . . . .	8-4
Warfare . . . . .	8-4
Suffering, unnecessary . . . . .	9-1
Sunken warships . . . . .	2-1
Superfluous injury . . . . .	9-1
Surface warfare . . . . .	8-2
Enemy warships/military aircraft . . . . .	8-2
Enemy merchant vessels/civil aircraft . . . . .	8-2
Surrender . . . . .	8-2, 11-4

## T

Targeting, lawful . . . . .	8-1
Environmental considerations . . . . .	8-2
Incidental injury and collateral damage . . . . .	8-1
Temporary refuge . . . . .	3-3
Territorial seas . . . . .	1-5
Artificial islands and off-shore installations . . . . .	1-5
Innocent passage . . . . .	2-2
International straits . . . . .	2-3
Islands, rocks, and low-tide elevations . . . . .	1-5
Navigation/overflight of . . . . .	2-2
Neutral . . . . .	7-3
Roadsteads . . . . .	1-6
Territory, neutral . . . . .	7-2
Terrorization, prohibitions on . . . . .	8-6, 11-1
Tlatelolco, Treaty of . . . . .	10-1
Torpedoes . . . . .	9-3
Transit passage . . . . .	2-3
Treaty obligations:	
Biological weapons . . . . .	10-4
Chemical weapons . . . . .	10-2
Nuclear weapons . . . . .	10-1
Trial, prisoner of war . . . . .	11-3

## U

Unauthorized broadcasting suppression . . . . .	3-5
Undefended cities . . . . .	8-6
Uniforms, use of enemy and neutral . . . . .	12-2
United Nations:	
And neutrality . . . . .	7-1
Charter . . . . .	4-1, 5-1
Flag and emblem . . . . .	12-1
United States:	
Citizens protection . . . . .	3-6

	<i>Page No.</i>
Policy regarding adherence to law of armed conflict . . . . .	6-1
Policy regarding biological weapons . . . . .	10-4
Policy regarding chemical weapons . . . . .	10-2
Herbicidal agents . . . . .	10-4
Riot control agents . . . . .	10-3
Property lost at sea, recovery . . . . .	3-5
Unnecessary suffering . . . . .	9-1
Unstable coastlines . . . . .	1-2
U.S.-U.S.S.R. agreement on prevention of incidents on and over high seas . . . . .	2-10

## V

Vessels:	
Auxiliaries . . . . .	2-1
Capture of neutral . . . . .	7-10
Navigational safety rules . . . . .	2-9
Warships . . . . .	2-1
Violations of law of armed conflict, duty to report . . . . .	6-2
Visit and search . . . . .	7-6
By military aircraft . . . . .	7-7
Procedures for . . . . .	7-7
Visual signals, protective . . . . .	11-4

## W

War, law of . . . . .	5-1
War crimes . . . . .	6-3
Jurisdiction over offenses . . . . .	6-4
Trials:	
Acts legal or obligatory under national law . . . . .	6-5
After hostilities . . . . .	6-4
Defenses . . . . .	6-4
During hostilities . . . . .	6-4
Fair trial standards . . . . .	6-4
Military necessity . . . . .	6-5
Sanctions . . . . .	6-5
Superior orders . . . . .	6-4
Under international law . . . . .	6-3
Warfare:	
Air . . . . .	8-5
Submarine . . . . .	8-4
Surface . . . . .	8-2
Warning areas . . . . .	2-6
Warning before:	
Attack . . . . .	11-1
Bombardment . . . . .	8-6
Warning shots . . . . .	3-12



# LIST OF EFFECTIVE PAGES

Effective Pages	Page Numbers
Original	1 (Reverse Blank)
Original	3 (Reverse Blank)
Original	5 (Reverse Blank)
Original	7 thru 15 (Reverse Blank)
Original	17 thru 19 (Reverse Blank)
Original	21 thru 25 (Reverse Blank)
Original	1-1 thru 1-8
Original	2-1 thru 2-12
Original	3-1 thru 3-12
Original	4-1 thru 4-4
Original	27 (Reverse Blank)
Original	5-1 thru 5-3 (Reverse Blank)
Original	6-1 thru 6-5 (Reverse Blank)
Original	7-1 thru 7-10
Original	8-1 thru 8-7 (Reverse Blank)
Original	9-1 thru 9-4
Original	10-1 thru 10-4
Original	11-1 thru 11-8
Original	12-1, 12-2
Original	Index-1 thru Index-8
Original	LEP-1 (Reverse Blank)





**NWP 1-14M**  
**MCWP 5-2.1**  
**COMDTPUB P5800.7**